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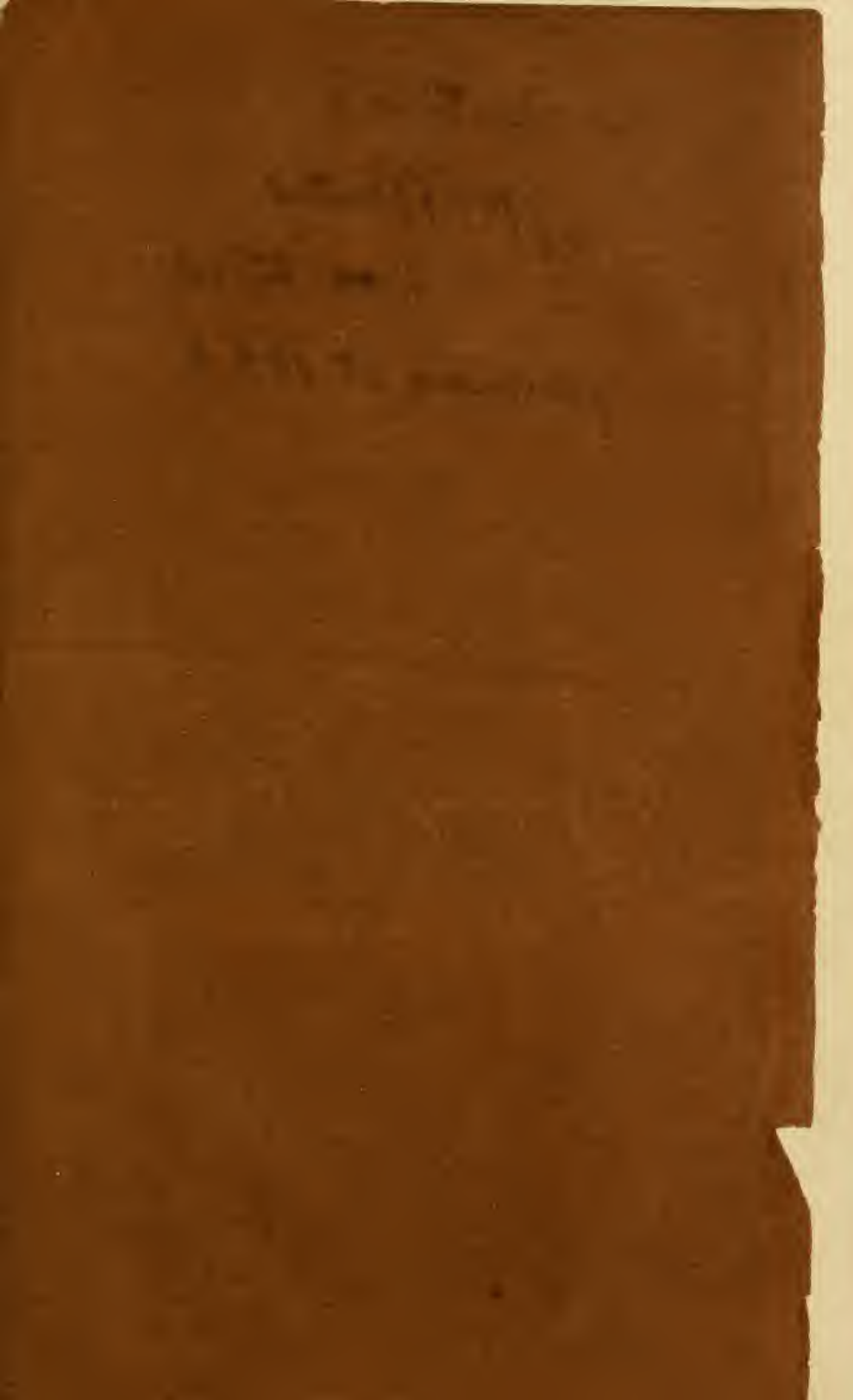
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N. 240

Mr. Whiting

400 copies

January 15, 1844

Received of Mr. Whiting











BIOGRAPHY  
OF  
EDMUND PENDLETON GAINES,

MAJOR GENERAL, U. S. ARMY,

CONDENSED FROM THE BEST AUTHORITIES,

*By a Friend.*

The subject of this sketch was the third son of James Gaines; and was born on the 20th March, 1777, near the eastern base of the blue ridge, in the county of Culpeper, Virginia. The father served in the latter part of the revolutionary war, at the head of a company of volunteers—was soon afterwards chosen a member of the North Carolina Legislature, which State he had moved to at the close of the war, and was subsequently elected a member of the convention of that State to which the Federal Constitution was submitted for its approbation or rejection. Among the ancestry of James Gaines was numbered the person of Edmund Pendleton, a name which Virginia, as well as the whole country, delights to revere—a profound lawyer, an able judge, and a statesman, whose reputation finds no superior even in the characters of Henry, Jefferson, Madison, Randolph, Lee, and Mason.

Mr. Gaines moved his family to Sullivan county, which afterwards became the Eastern county of Tennessee, about the time of his son Edmund's attainment of his thirteenth year. Here, while a beardless boy with his rifle, our young hero studied the art of war; and this in the immediate vicinity of the depredations committed by the Creeks and Cherokees with whom we were at war. His excellence in the use of this border weapon of attack and defence was generally acknowledged; to which he, perhaps, may consider himself indebted for his *first* commission,\* that of a Lieutenant in Captain Cloud's volunteer company of riflemen. Soon after this he was recommended for a commission in the army, and on the 10th January, 1799, he was appointed an ensign. In the following fall he was attached to the 6th regiment, and ordered on duty in the recruiting service, he having in the interim been promoted to a second Lieutenantcy. Soon after the disbandment of the 6th, he was attached to the 4th, under the command of Col. Thomas Butler.

In the summer of 1801, Colonel Butler was instructed by President Jefferson to select the subaltern of his regiment best qualified for making a topographical survey from Nashville to Natchez for the location of a

\* This is the only office for which he ever offered himself to his fellow citizens. His triumphant election proved that his character was duly appreciated

pense to the enemy of 905, killed, wounded, and missing—while their own loss was but 84.\* At the point of the first attack the enemy found "the veteran 21st," under the command of Major Wood, supported by Towson's artillery on Snake Hill. Here there were no breast works nor any defences other than a light *abattis* of brush, not more than two feet high, and no where was there greater necessity for continued vigilance and prudence.

The American General had given orders, that should there be an attack in the night, not a gun should be discharged until orders to the contrary; and that no such orders should be given until the enemy had reached the *abattis*. The orders were strictly obeyed, and the consequences were five successive repulsions of the first column of attack with great slaughter, in a half an hour—many of the enemy falling upon the *abattis*. The Americans depended upon a "*reserved fire*," until their adversaries were near enough to render its effects certain—the British, as usual, relied upon the "*bayonet*." † How far the cool courage of the one triumphed over the steady valor of the other, may be seen in the result of the final repulse. The Americans lost not a man, while their enemy mourned over the fate of 300 in killed, wounded, and missing.

This point being secured and placed in the care of General Ripley, and Majors Wood and Towson, the commanding general repaired to the extreme right, whither he had been called by an animated attack upon that wing. The enemy's left, under Lieutenant Colonel Scott, gallantly attacked the part of General Gaines' right wing defended by the 9th, 11th, and 25th infantry; a detachment of Hindman's artillery, and two companies of Porter's volunteers. The British were repulsed with the loss of their commander and many of their officers and men.

Lieutenant Colonel Drummond, at the head of one of the enemy's centre columns, attacked the fort defended by Captain Williams, under the direction of Major Hindman, was repelled and renewed the attack aided by his left, whose leader had fallen. The darkness, increased by the smoke of an hour's brisk action, enabled the enemy to complete the *escalade* of the bastion without being discovered. A sanguinary struggle ensued, several of the artillerists fell, among them the heroic Williams, McDonough, Fountaine, and Watmough, and the bastion was lost.

Arrangements were immediately made to dislodge them. The reserve under Foster, Birdsall, and Hall, was ordered up, and the fire of the 9th, 11th, and 12th, was directed to the bastion and to the enemy's force collecting in front. The first attempt failing, Colonel Drummond ventured with a few men to descend the gorge into the mess house, where he fell. (This was the officer who refused Lieutenant McDonough "*quarter*,"

\* British and American official reports.

† Extract from Drummond's order of attack. "The Lieutenant General most strongly recommends a free use of the bayonet."

when it was demanded by him on the bastion after being severely wounded, and who pressed on his command with the reiterated order, "*Give the d—d yankees no quarter!*")\* The fire was steadily continued at the enemy, upon and in front of the bastion, until none of his force could be seen. It was now daylight, and the riflemen were promised a fair opportunity for an exercise of their skill in singling out their foe, and "drawing on him a bead." But at this auspicious moment, bidding fair for the destruction of the whole British army, two or three hundred pounds of powder, under the platform of the bastion exploded, by which the cheering prospects of the Americans were blighted. The effect upon the enemy was not unfavorable, as nearly all but their dead and wounded had previously left it, as was known to the staff of the commanding General as well as to other of his officers, and as was afterwards confirmed to them by Captain Colclough and Lieutenant Hall of the British Army, who had been badly wounded before the explosion.

The loss of the British in the battle of the 15th, was, as previously stated according to their official acknowledgement, nearly 1,000, while our own was but 84. (†) Among the wounded of the latter was the General Commanding-in-chief, who, while writing a report at his quarters, had his leg disabled, and body much bruised, by the bursting of one of the enemy's shells beneath his feet.

The Niagara frontier was our last foot-hold in Canada, after several ineffectual campaigns to conquer it. The maintenance of that foot-hold had been questioned by some of the first officers under the command of the American General. To abandon it, however, was to open to the enemy an inroad to a frontier of thousands of miles in extent, and to deliver up its inhabitants and their property to the "mercy of the merciless!" The American General preferred risking his command against a force almost double his own—with what result has already been seen. When we take this into consideration, and at the same time keep before our eyes the fact, that in full view of the nation was the dark picture of a country with its seat of government in possession of a foe, whose first principle was destruction to every thing held sacred by the laws of war, while the intelligence of our decisive success over the British arms was being received—we are at no loss what place in the record of American achievements to assign to the victories of Fort Erie, and what honors to award its victors.

\* It may be well by way of showing the spirit which actuated the British Army, to notice the fact that its *parol* was "*steel*," and its *countersign* "*twenty*," words quite as significant as the "*beauty*" and "*booty*" of General Packenham at New Orleans. See Lieut. General Drummond's order of attack, dated "Head Quarters, camp before Fort Erie, August, 1814.

(†) See Assistant Adjutant General Jones' (now Adjutant General of the Army) Report, dated "Fort Erie, U. C., August 17, 1814."



The nation seemed to be at no loss, for its Congress voted to Major General Gaines and the officers and men under him its thanks, while it accompanied the vote to the General with a gold medal. Five States of the Union also offered him their thanks, three of which (New York, Virginia, and Tennessee,) each presented him with a costly *sword of honor*.

General Gaines was invited by President Madison to take command of a division of the Army in accordance with his rank of Brevet Major General—a rank earned as a brilliantly successful *commander of a division* of American force against *a division of the enemy*—a rank more sacred even than a lineal rank of Major General, because it was a rank earned on the field of battle. This command in honor of his rank as Major General, based upon a law of Congress, he was possessed of from that date henceforth for nearly thirty years.

In the time intervening the conclusion of the last war and the commencement of the Black Hawk difficulties, the *first* Seminole war occurred, in the course of the operations of which General Gaines was cast away in Flint river with the loss of his Adjutant General and his men, who were drowned. After several trying attempts the General succeeded in gaining the shore. This narrow escape of death by drowning was followed by a still narrower one from starvation—all his effects having been lost save the clothes upon his back, and *his commission as Major General*, and he having been compelled to travel five days and as many nights in the wilderness without any thing to satisfy his hunger.

It is but truth to say, that had General Gaines' stipulations with the Sac and Fox chiefs been attended to properly, the country never would have been saddled with the expenses of the Black'Hawk war.

It seems that a number of this tribe had crossed the Mississippi into Illinois, under a determination to remain at their old villages; and that the Governor of that State had placed himself at the head of a force to march against them and expel them from the State. On hearing of their presence in Illinois, General Gaines proceeded with several companies of troops from Jefferson Barracks to the theatre of the difficulties, where he was joined by Governor Reynolds. Notice was given to Black Hawk that he must recross the river, or suffer the consequences. This he refused to do. Arrangements were then made by General Gaines and the town surrounded by our troops, when on examination it was discovered that the enemy had taken the alarm and returned to the opposite side in the night. On the next morning a white flag was displayed by the Indians, a truce followed and they sought peace, which was promised them. Articles of capitulation were then signed, by which it was determined that Black Hawk and his warriors should retire to their proper territory. An article was thereupon added by General Gaines and Governor Reynolds to the effect that as much corn should be furnished them in supplies,

at stated times, as should be equal to the quantity that their crops (which they abandoned) then ripening, as estimated by proper persons, amounted to. The first supply was furnished, and Black Hawk with his warriors returned home peaceably, and in conformity to their agreements, savages as they were. General Gaines' measures were never disapproved at Washington; but his stipulations, through the negligence of the authorities at that city, were not carried into effect and the supplies not furnished; the consequences of which were, the starving Indians returned, and the Government was compelled to force them out in the face of its own errors—not the only instance in the annals of our Indian difficulties where these members of the human family, depending upon us for kindness, have been visited with wrongs, and those wrongs atoned for by outrages upon their rights.

We now approach that part of the life of General Gaines connected with "the Florida war," which, through the instrumentality of his secret enemies, was much misrepresented. The line dividing the United States into two great geographical divisions extended from the southern point of Florida through the centre of that peninsula northwardly to Lake Superior. All the country west of that line constituted the western division of the army, and all east of it the eastern division. The former was under the command of Major General Gaines—the latter under that of Major General Scott. The theatre of Dade's massacre was in that part of Florida included in the western division, and accordingly on hearing of it General Gaines made a requisition upon the Governor of Louisiana for troops—organized about 1,100 men—proceeded to Tampa Bay—marched to Dade's battle ground—buried the dead—marched on the Withlacoochee—encountered the enemy, 1,500 strong—defeated them in several sharp conflicts—compelled them to sue for peace on the 5th March, and closed the war. The movements of General Scott's force, three weeks after, while the enemy were under the expectation of peace from their "talk" with General Gaines, frightened the Indians into a renewal of the war, which continued for seven years after, at a cost of much blood and thirty millions of treasure.

A Court of Inquiry was ordered by the President of the United States to "*inquire and examine into the causes of the failure of the campaigns in Florida against the Seminole Indians under the command of Major General Gaines and of Major General Scott,*" which court, in the face of the protest of General Gaines against such a proceeding, made two cases, as if a Court Martial, and proceeded to the investigation of the case of General Scott, while General Gaines was in attendance upon one of his nearest connexions alarmingly sick at a distance of a thousand miles, and was unable to reach the place of holding the court. The apprehensions of General Gaines in his protest were realized. In the course of the inquiry into General Scott's case, the voluntary opinion of Colonel

Gadsden, Quartermaster General in the staff of General Scott, was admitted, in which he says (though he never served with General Gaines, and could not therefore correctly give an opinion) that he attributes the failure of Scott's campaign "to a combination of causes"—"*First, the premature, ill-advised, and ill-organized movement of General Gaines,*" &c., &c., which indecorous testimony, *elicited in the case of General Scott, be it remembered, constituted the basis of the court's remarks appearing in the decision upon the case of General Gaines!* No opportunity was offered for a cross-examination of that witness, as General Gaines was precluded from so doing by the decision of the court, and his testimony was never seen by General Gaines until after the court had risen, and the proceedings had been published by order of Congress.

This COURT OF INQUIRY of three, forgetting that it was ordered to inquire into a matter to see if it could find some offence for trial before a Court Martial of thirteen, and fancying itself invested with a plenitude of power, transformed itself into a COURT MARTIAL of three, (notwithstanding the law prescribes the *minimum* to be five,) and proceeded to the *censure of both Generals Gaines and Scott*; the former for stepping a little beyond General Jackson and De Witt Clinton, (both of whom charged "the hero of Chippewa" with every thing that was base and cowardly,) and branding General Scott as a traitor; the latter for using improper language towards General Gaines in his official despatches from Florida.

The difficulties between Mexico and Texas, and the unsettled boundary between the United States of America and the United States of Mexico, made it necessary that a force of United States troops should be held in readiness on the Sabine frontier to preserve our neutral relations and protect the inhabitants of the disputed territory from any possible incursion of either of the belligerent parties. General Gaines was ordered thither from Florida to take the command. Finding the boundary line never had been marked by the Commissioners, as provided in the treaty of limits between the United States and Mexico, (concluded April 5, 1831,) and considering it incumbent on him to designate the *disputed* Territory from his own careful construction of that treaty, he came to the conclusion that all the country lying between the eastern and western forks of the Sabine river was the district over which it became him to maintain an armed neutrality and extend his protection. The second article of this treaty says,—"*the boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the Sabine river, in the sea, continuing north along the western bank of that river to the 32d degree of north latitude,*" &c., &c.

It is plain that the sheet of water now called Sabine Lake, extending from the Gulf of Mexico thirty miles north, was regarded in the treaty before spoken of as the Sabine river, else the line could not begin "*on the*



*Gulf of Mexico, at the mouth of the Sabine river, in the sea."* This sheet of water received at its northern extremity two streams, *now* called the river Neches and the Sabine river, *then* known as the western and eastern forks of the Sabine. The western fork was thought to be the largest and main stream by many of the inhabitants upon that frontier. If the treaty regarded the sheet of water beforementioned as the Sabine, which of these forks did it regard as a continuation of that river?—for that it did so regard one of them is plain, from its saying, that said line shall continue "*along the western bank of that river to the thirty-second degree of north latitude.*" This constituted the gist of the dispute, and accordingly, it became the duty of the officer at the head of our force on that border, to regard all the territory lying between the eastern fork of the Sabine, extending up above Natchitoches, and the western fork above Nacogdoches, as *the territory in question*; over which it was his solemn obligation in the spirit of his oath as an officer, his duty as the representative of the President of the United States, nay more, his *imperative* duty as a subject of one of the high contracting parties to that treaty of commerce between the two Republics of America and Mexico, in which it is required that each *shall* restrain any encroachments of the Indians of one, upon the territory or inhabitants of the other—to extend the arm of protection.

The treaty thus construed, requisitions were made upon some of the States for volunteers, preparatory orders issued, and notice given to Generals Santa Anna and Houston of General Gaines' determination to resist to the utmost any encroachment upon that territory by either of the parties. The movements of the two armies a short time previous to the battle of San Jacinto alarmed the inhabitants of the frontier, a hundred of the families of which, men, women, and children, flew to the American General's camp, seeking what was bounteously extended to them—defence against the inroads of invading armies, and protection from the encroachments of hostile savages.

"In peace prepare for war"—a maxim fraught with wisdom, and one that never should be forgotten by either the soldier or civilian. While the history of our wars prove that no one has exhibited more valor upon the field of battle or more unceasing efforts for the safety of the country, than Edmund Pendleton Gaines—the records of peace show that no citizen soldier has ever manifested a greater degree of ardor in the cause of the nation's defence.

To the plan of defence projected by General Gaines for this country, the friends of that officer may point with pride. Based, as it is, upon the revolution in the military art wrought by the discoveries of the wonderful properties of steam, and planned after an intimate acquaintance with the country which its railroads traverse, and our extensive sea-board, the vulnerable points of which its floating batteries protect—there is evinced

in it, to say the least, an anxiety for the nation's interests, and an appreciation of the advances of the arts, which entitles it and its author, to the favorable consideration of the Congress whose country it is intended to defend.

We like the system, because it presents manifest advantages over the Bernard system of defence.

*First.* General Gaines' system will prevent the ingress and egress of hostile steamers of war; for its floating batteries will be in our harbor approaches as a guard upon land guarding an encampment, which General Bernard's system will not do, our immense land fortifications being futile for the prevention of the passage of even *vessels of sails* propelled by a brisk wind and strong tide by their batteries, and of course must be utterly so for the prevention of *steamers* moved with double and treble the rapidity.

*Second.* It will present in its railroads, extending from the centre of the Union to the various frontiers, to an enemy invading our shores with armed steamships upon the improved plan of attack, means of defence corresponding therewith; of which the other system is devoid.

*Third.* Its expenses to the nation, if built by the army, will be comparatively little, while our present system has already cost far more than that would; and must still cost a vast sum if it shall be determined that its unfinished fortifications shall be completed.

*Fourth.* General Gaines' system will be of incalculable benefit to the country in a commercial point of view, and, in a short space of time, besides enriching the districts through which its roads pass, return in the shape of revenue the whole amount expended in its completion, and moreover be a constant source upon which the nation may draw for means of equipping its armies and manning its navies. The Bernard system, instead of doing this, exhibits a constant drain upon the public treasury in the shape of repairs, at the rate of millions upon millions, year after year, without returning any thing to the treasury.

*Fifth.* In fine, General Gaines' system binds the States together in almost indissoluble bonds, with its great arteries of communication equally applicable to, and equally valuable for purposes of *war and peace*, and puts the country in a perfect state of defence. The Bernard system tends to weaken, instead of to strengthen the Union, and leaves the country completely defenceless.

These are the striking contrasts which have induced us to decidedly prefer the plan of defence submitted by Major General Gaines to Congress in his memorial of December 31st, 1839, to the system of General Bernard, based upon the military principles of ages past.



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The discussion of defence is that Congress twenty-seven Congress be made showing wh

In reading the C 8, which says, "Con support armies;" and "The President shall several States when common defence" sectional head of those an army would be the g stitution intended the brigades, and of divisions, was the Pre under our Constitution

What possible its right to say that No. It has further so many brigades a sumption of power military district?"

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The present ar the common defence would be violating a tendency to leave the right of Congre correct an order of depends upon it?

*Is the abol  
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is dependent upon that city for the greater should be co-extensive with the commerce

Previous to the introduction of steam of any city upon the seaboard; for it was ful current of the river upon which it is situation. But since the successful applica Orleans is not only practicable, but a matte (and therefore is the most important milita most important one in the world, it is one o every portion of the country of which it is accomplished by\* placing a Major General exposed point, should occasion require it.

There are other reasons why the vall and every part.

On our western border, extending from Indians whose hostility should be sufficien of that frontier, navigable streams flow to t General to hasten supplies and disposable

Will it be pretended that a chief at W of any part of it? *The division of General the same extent of country of the division* other, and his arms and ammunition from war. What would be thought of an organ the territory upon which New Orleans dep of orders from Washington, consequent up

"General Orders, No. 40," of date 12 departments, constituted as follows: The Tennessee, and Kentucky; the second, the the thirty-seventh degree of north latitude tude, Illinois, Iowa, that part of Wisconsin and the Indian country north and west of t Territory not included in the third departr York, Vermont, New Jersey, Connecticut, and Maine; the seventh, the states of Dela and Georgia; the ninth, East and Middle each other, and responsible to no one s zation, depends solely for its resources for c These departments constitute an arrangem divisions rested, which principles were fou raise and support, and the President to cor

In the examination of this subject, let tion of a nucleus around which the less ex the country; that every movement in it mu to disregard the maxim of WASHINGTON the spirit of its provisions for the common

*Has the abolition of divisions  
ments, promoted the interests of tl*

This question is partly answered in tl to the country, contemplated by the consti

There are other reasons, however, wh sions, and these may be found in the mani

\* It may be said by some that a senior officer an outbreak upon the Indian frontier, assume th that department as he deemed proper, thus givin of the Mississippi valley. This is a mistake.

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## THE ORGANIZATION OF THE ARMY.

*Has Congress the right to pass a law creating two divisions in the army of the United States?*

The discussion of this would seem much like debating a self-evident proposition. Strong as the presumptive evidence is that Congress has such a right from its having exercised a similar one, unquestionably, in nearly every one of twenty-seven Congresses assembled under our Constitution, still by some it is doubted; and, therefore, a few remarks will be made showing why we conceive it to be clearly possessed of it.

In reading the Constitution of the United States, the first that we see relative to the military is in article 1, section 8, which says, "*Congress shall have power*," among other powers enumerated in seventeen paragraphs, "*to raise and support armies*;" and the next that we find is in paragraph 1, section 2d, of the 2d article, in which it is declared that "*The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States.*" The first step towards a provision for "the common defence" seemed to be the empowering Congress to raise and support armies, and the second to make a constitutional head of those armies. In the first is implied a power to organize armies; for without that power the raising of an army would be the gathering together of a disorganized body of men, which would thwart the objects for which the Constitution intended them. Subject to the rules of Congress, regulating the number of men, of companies, of regiments, of brigades, and of divisions, and its enactments, establishing the existence of those companies, regiments, brigades, and divisions, was the President to command the army. This was the view taken upon the first organization of an army under our Constitution, and acted on from then henceforth to the present day.

What possible doubt can there be on this subject? Congress has said there shall be so many men in the army. Is it right to say that doubted? Far from it. It has also said there shall be so many companies. Is that at all doubted? No. It has further said such a number of companies shall constitute a regiment, and so many regiments a brigade, and so many brigades a division. What doubt is there of its power to do this? Not any. And is it an unwarranted assumption of power for that body to say what shall constitute "a geographical division," or, to use another term, "a military district?"

Those who hesitate on this subject, appear to argue that because the President, by the constitution, is Commander-in-chief, and has issued an order abolishing the late "geographical divisions" of the army, that therefore a re-establishment of them by Congress, would be interfering with his command, and be unconstitutional. It seems to have escaped them that the existence of the army depended upon Congress, through the constitution, and that the President could control that army only in accordance with the laws of that body.

The present army of the United States was raised and organized by Congress under the Constitution to provide for the common defence; and, consequently, a disposition of its force thwarting the objects for which it was calculated would be violating the law. If the abolition of geographical divisions, and the substitution of military departments, has a tendency to leave the country unprepared "to repel invasion," or "to suppress insurrection," will any one question the right of Congress to correct it? or, in other words, will any one hesitate to say that that body can, by positive law, correct an order of the President warring with the clearly ascertained purposes of an institution whose very existence depends upon it?

*Is the abolition of "Geographical Divisions" calculated to carry out the great objects for which the Army was raised and is supported, and does the present disposition of the Army tend to the common defence?*

To understand the nature of the present arrangement of our military forces, it is necessary to take a view of the United States as it was when divided into two "Geographical Divisions," and as it now is, cut up into nine "Military Departments," without two divisions.

Formerly, the western division consisted of all the territory west of a line running northwardly from the southern point of Florida, through the centre of that peninsula, along the dividing ridge of the head waters which flow through the Atlantic slope and those which find their embouchures somewhere in the Mississippi valley, continuing to Lake Superior; and all east of it constituted the eastern division. Each was under command of a Major General by brevet, a rank which carried with it, when the officers possessed of the commission conferring it held a command in accordance therewith, all the powers of a lineal commission of Major General. Those divisions were sub-divided into several military departments which were under the command of Colonels, with or without the brevet rank of Brigadier General, who made their reports to and received orders from the head-quarters of the Major General of the division. To endeavor to make assurance more sure, duplicates of all orders and reports of importance, from or to the head-quarters of departments, were directed by Major General Gaines, for a part of the time the alternate, and for the remaining part the permanent commander of one of the divisions, to be made to the head-quarters of the army at Washington City.

This arrangement was made with a view to the natural defences of the country, as well as to the artificial means for repelling an invading foe from our shores. A glance at the United States will show the correctness of the principles upon which it was based when first made, and reflection upon the improvements in the science of attack and defence will increase the conviction of its absolute necessity, for the well being of the country and service.

The city of New Orleans is to the valley of the Mississippi what all the seaports from Easport to Cape Sable are to the Atlantic strip: for every foot of country which is watered by the Mississippi and its branches, and their tributaries,



part of its commerce. It is a sound principle that its resources for defence of the country depending upon it.

in the art of attack, New Orleans was protected by the best natural defences difficult of approach with a fleet of vessels moved by sails against the power-tated, and any thing like sapping and mining was impracticable, from its low tion of steam to vessels navigating the Atlantic, a *coup-de-main* against New r of ease; and, while it clearly is now the most important seaport in the Union, y position therein,) bidding fair to be, by the close of the present century, the f the least defended of any of our seacoast cities. The necessity of making the outlet tributary to it for its defence seems apparent, and this is to be ac-in command of that district, with power to concentrate its whole force upon its

ey of the Mississippi should be regarded as a whole for the defence of each

n the Sabine north to our northernmost limits, are located a large number of tly apprehended as to guard to the utmost against them. From various parts he great artery of communication, the Mississippi, which enables a Major forces wheresoever they may be suddenly demanded.

ashington City can wield the forces of the Mississippi valley for the defence *Jackson in the late war consisted of the greater portion of that valley, (nearly of 1836,) and by drawing his forces from one part of it, his supplies from an-another, he was enabled to achieve his victory of crowning brilliancy to the nization requiring him to look for means of defence to but a small portion of ends for protection, and forbidding him to act otherwise but upon the authority on a report thereto?*

h July, 1842, abolished geographical divisions, and substituted nine military first department embraced West Florida, Alabama, Mississippi, Louisiana, country west of the Mississippi, north of Louisiana and Texas, and south of ; the third, the state of Missouri above the thirty-seventh degree of north lati-Territory west of the thirteenth degree of longitude, west of Washington, he lines indicated; the fourth, Indiana, Ohio, Michigan, the part of Wisconsin ent, and the Indian country north; the fifth, the states of Pennsylvania, New and Rhode Island; the sixth, the states of Massachusetts, New Hampshire, ware, Maryland, and Virginia; the eighth, North Carolina, South Carolina, Florida. The commanders of these departments are entirely independent of ave the authorities at Washington City. New Orleans from this organiza-lefence upon the States embraced in the department within which it is situated. ent of the military at war with the principles upon which the organization of nded in the great objects for which the constitution authorized Congress to mand, armies.

it be kept in mind that the sole purpose of a standing army is the preserva-perienced in the science of war may rally to prepare themselves, and defend st, therefore, be with a view to readiness for war; and that in its organization, x, "in peace prepare for war," is to violate the constitution by trampling upon defence.

*in the Army, and the multiplication of independent depart-e service?*

ne preceding remarks; for whatsoever perverts the army from its purposes ution, injures the service.

y the interests of the service have not been promoted by the abolition of divi-est injustice which its highest officer has been allowed to suffer, uprooting the

er in one of the Military Departments might, upon a sudden invasion of New Orleans, or e command of another department, and order the forces including the commander of g the point to be protected the benefit of both or several departments, consisting of much The entire independence in peace of a commander of one department from that of an-

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is dependent upon that city for the greater part of its commerce. It is a sound principle that its resources for defence should be co-extensive with the commerce of the country depending upon it.

Previous to the introduction of steam in the art of attack, New Orleans was protected by the best natural defences of any city upon the seaboard; for it was difficult of approach with a fleet of vessels moved by sails against the powerful current of the river upon which it is situated, and any thing like sapping and mining was impracticable, from its low situation. But since the successful application of steam to vessels navigating the Atlantic, a *coup-de-main* against New Orleans is not only practicable, but a matter of ease; and, while it clearly is now the most important seaport in the Union, (and therefore is the most important military position therein,) bidding fair to be, by the close of the present century, the most important one in the world, it is one of the least defended of any of our seacoast cities. The necessity of making every portion of the country of which it is the outlet tributary to it for its defence seems apparent, and this is to be accomplished by\* placing a Major General in command of that district, with power to concentrate its whole force upon its exposed point, should occasion require it.

There are other reasons why the valley of the Mississippi should be regarded as a whole for the defence of each and every part.

On our western border, extending from the Sabine north to our northernmost limits, are located a large number of Indians whose hostility should be sufficiently apprehended as to guard to the utmost against them. From various parts of that frontier, navigable streams flow to the great artery of communication, the Mississippi, which enables a Major General to hasten supplies and disposable forces wheresoever they may be suddenly demanded.

Will it be pretended that a chief at Washington City can wield the forces of the Mississippi valley for the defence of any part of it? *The division of General Jackson in the late war consisted of the greater portion of that valley, (nearly the same extent of country of the division of 1836,) and by drawing his forces from one part of it, his supplies from another, and his arms and ammunition from another, he was enabled to achieve his victory of crowning brilliancy to the war. What would be thought of an organization requiring him to look for means of defence to but a small portion of the territory upon which New Orleans depends for protection, and forbidding him to act otherwise but upon the authority of orders from Washington, consequent upon a report thereto?*

"General Orders, No. 40," of date 12th July, 1842, abolished geographical divisions, and substituted nine military departments, constituted as follows: The first department embraced West Florida, Alabama, Mississippi, Louisiana, Tennessee, and Kentucky; the second, the country west of the Mississippi, north of Louisiana and Texas, and south of the thirty-seventh degree of north latitude; the third, the state of Missouri above the thirty-seventh degree of north latitude, Illinois, Iowa, that part of Wisconsin Territory west of the thirteenth degree of longitude, west of Washington, and the Indian country north and west of the lines indicated; the fourth, Indiana, Ohio, Michigan, the part of Wisconsin Territory not included in the third department, and the Indian country north; the fifth, the states of Pennsylvania, New York, Vermont, New Jersey, Connecticut, and Rhode Island; the sixth, the states of Massachusetts, New Hampshire, and Maine; the seventh, the states of Delaware, Maryland, and Virginia; the eighth, North Carolina, South Carolina, and Georgia; the ninth, East and Middle Florida. The commanders of these departments are entirely independent of each other, and responsible to no one save the authorities at Washington City. New Orleans from this organization, depends solely for its resources for defence upon the States embraced in the department within which it is situated. These departments constitute an arrangement of the military at war with the principles upon which the organization of divisions rested, which principles were founded in the great objects for which the constitution authorized Congress to raise and support, and the President to command, armies.

In the examination of this subject, let it be kept in mind that the sole purpose of a standing army is the preservation of a nucleus around which the less experienced in the science of war may rally to prepare themselves, and defend the country; that every movement in it must, therefore, be with a view to readiness for war; and that in its organization, to disregard the maxim of WASHINGTON, "in peace prepare for war," is to violate the constitution by trampling upon the spirit of its provisions for the common defence.

*Has the abolition of divisions in the Army, and the multiplication of independent departments, promoted the interests of the service?*

This question is partly answered in the preceding remarks; for whatsoever perverts the army from its purposes to the country, contemplated by the constitution, injures the service.

There are other reasons, however, why the interests of the service have not been promoted by the abolition of divisions, and these may be found in the manifest injustice which its highest officer has been allowed to suffer, uprooting the

\* It may be said by some that a senior officer in one of the Military Departments might, upon a sudden invasion of New Orleans, or an outbreak upon the Indian frontier, assume the command of another department, and order the forces including the commander of that department as he deemed proper, thus giving the point to be protected the benefit of both or several departments, consisting of much of the Mississippi valley. This is a mistake. The entire independence in peace of a commander of one department from that of another established by General Orders, No. 40, of 1842, would prevent a co-operation of commanders, and a conjunction of commands in time of war. As for the danger of a jealousy between officers of high rank in their commands, we have an instance full of warning in the celebrated case of Generals Wilkinson and Hampton, of the last war, in which the latter officer refused a juncture with Wilkinson, causing the ruinous failure of the grand expedition down the St. Lawrence.







pure principles upon which promotion should be based, prostrating all the energies and honest ambition of aspirants for honor and fame in devoted service to the country, and sapping all the elevated feelings of the noblest of professions. From the private, who looks to his non-commission as a reward for his fearless and uniring exertions, to the highest officer in commission, who deems the preservation of his rank untainted as necessary to a character unsullied, the blighting effect is felt, tending in each to imbed the conviction that merit does not always meet its reward, and that worth is not always safe from the efforts of those who may be disposed to injure their brother officers.

Major General Gaines had stood the test of fifteen years rugged service in all the ranks from Lieutenant to Brigadier General, maturing himself for the command of a division of the army. In this last grade, he had commanded as General-in-chief, a *division* of 2500 against the desperate assaults of a *division* of 4200 British, led on by a Lieutenant General, an officer higher in rank than a Major General, and defeated them through a succession of battles, with signal success; in one of which he had furnished to his adversary a loss of nearly a thousand, while his own was less than ninety. It was considered that he had cut his way, sword in hand, to a Major General's command, a division, and that he was clearly entitled to it. And accordingly, President Madison, under the law of Congress, approved July 6, 1812, authorising him to confer brevet commissions, presented to Brigadier General Gaines a commission of Brevet Major General, to date upon the day on which was won his principal battle of Fort Erie, August 15, 1814.

Winfield Scott also received a Brevet Major General's commission, dating from the 25th July, 1814. There was this marked distinction, however, with regard to the brevet of this last officer, and that of the one above spoken of. General Gaines' was conferred for his services at the head of a division; General Scott's only for services at the head of a brigade, as a subordinate to General Brown.

Both Generals Gaines and Scott commanded divisions, according to their war-grades, from 1814 until General Scott was promoted from his lineal grade of Brigadier to the lineal rank of Major General in 1841—a space of twenty-seven years. General Gaines had still his division accorded to him, until the 12th July, 1842, when the joint order of Mr. Secretary Spencer and Major General Scott appeared to the army,\* breaking up geographical divisions, establishing nine military departments, and directing Major General Gaines to take charge of the 1st department—a Colonel's command—thereby degrading him. We know of nothing that will either palliate this, or excuse the conduct of those in power, that compelled an officer of forty years' service, whose faithfulness and ability had been tested in times the most trying, to be exposed to the bilious and yellow fevers of the most unhealthy portion of the United States in the stickiest season. We ask, why were Major General Gaines' head-quarters in the 1st department tied down to New Orleans, Baton Rouge, or the Bay of St. Louis, every one of which places were constantly subject to congestive, and frequently to yellow fevers, and to neither of which could he travel without exposure to such sicknesses?

After commanding the 1st department some time, and it was found that General Gaines had passed through a bilious attack, consequent upon a journey to his head-quarters in obedience to orders, No. 40, without loss of life, and had become acclimated to that department, it was deemed advisable, jointly, by Major General Scott and the Secretary of War, in the face of General Gaines' protest against it, as still further degrading him from a more important command in a military point of view, embracing New Orleans, to a less important one, an inland department—to order Major General Gaines to command the third military department, with his head-quarters at St. Louis, Missouri.

As regards the officer spoken of herein, who had it in his power to exhibit the magnanimity of a true American soldier, and heal the wounded pride of his overstrained fellow officer, instead of stabbing him, assassin-like, in the dark, we are willing to let facts alone speak. If the epaulets, which grace the shoulders of a member of a profession that is regarded as the embodiment of honesty and honor, will not preserve him from the prostitution of his position to the basest means for injuring his brother in arms, nothing will; and the less that is said upon the subject, the better. But, with respect to General Gaines, as *every wrong has its remedy* is one of the first and purest of principles in jurisprudence, military and civil, and as it is the one great maxim of justice which appears in all its beauty in every part of the constitution under which the army of the United States was raised and is supported, we are firm in the belief, that the rights of that officer will be respected, and that he will be restored to his proper command. Let it be done, and the army will be assured that the chivalry of the soldier is held in higher estimation than the intrigue of the reckless politician, that grade cannot be trampled down, and that acknowledged merit cannot go unrewarded.

\* Let it be recollected, that Major General Scott, while he commanded a division for twenty-seven years, did not see the propriety of abolishing divisions, of degrading himself from his war to his lineal grade, from a Major General to a Colonel's command, and of depriving himself of half of his pay and emoluments. But no sooner had he been promoted to his lineal rank of Major General where he could by forced constructions of law, increase his own pay vastly, than the happy thought flashed upon him that "Geographical Divisions" were unimilitary, and departments quite the contrary, and forthwith he issues, with Mr. Secretary Spencer, General Orders, No. 40, regardless of its effect upon General Gaines as respects either his rank or pay.



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This is precisely the case of Major General Scott in 1814. General Scott was also cause his rank in the line upon which his brevet commissions. General Scott lost General in the line in 1841. General Gaines his brevet rank of Major General. General

Is it to be wondered, then, that General the Army, (one of which was under the brevet rank of Major General,) and established a Brigadier General's command, ordering that General Scott should deprive General to command General Gaines? For this duty upon his brevet, when General Scott rank of Brigadier.

It may be asked, how could General Scott depriving him (General Gaines) of his b

No order of General Scott's alone created *President of the United States*, (through the Because General Gaines was sworn to were so mixed and intermixed with the o came the disobedience of the orders of the ral Scott, of date 12th July, 1842, abolishing the present nine Military Departments.]

Now that the right of each of these Military Departments, it is believed, and mand according to his brevet rank of Major enemy with a division of American force and Scott be respected, and their services

After the late war the United States was commanded by Major General Brown, a General Scott commanded the Eastern part Major Generals Brown and Jackson were rals of divisions in the war were, and made to the President of the United States and received.

Let the United States be divided into a dedered to the command of one, and Major rate and independent of each other, and chief of the Army and Navy, through th not from a Major General so linked in his position to annoy his brother officers v mand corresponding with his proper rank out a violation of law—General Scott will services, for he will have a division, althou a subordinate to Major General Brown at of alternation of rank between these two obtained—the Army will be preserved in known political propensities being remove it is most needed, and no officer will be a neath the wings of the Department of War country answered, the rights of officers re:





# THE QUESTION OF RANK BETWEEN MAJOR GENERALS GAINES AND SCOTT,

*Considered with reference to the abolition of the "Geographical Divisions" of the Army.*

A "Board" in the year 1825, consisting of nine officers of the Army, assembled for the purpose, investigated the subject of the rank of Major Generals Gaines and Scott at the instance of the last named officer, and came to the following decision, which was afterwards approved by the President of the United States.

"It appears to the Board from the evidence laid before it that E. P. Gaines was appointed a Second Lieutenant in the Army of the United States on the 16th of February, 1801; promoted First Lieutenant second regiment of infantry 27th April, 1802; promoted Captain 28th February, 1807; appointed Major in the additional military force, 25th March, 1812; promoted Lieutenant Colonel, 6th July, 1812, in the 24th infantry; promoted Colonel 12th March, 1813; promoted Brigadier General 9th March, 1814; and appointed Major General by brevet, 15th August, 1814.

"And that Winfield Scott was appointed a Captain in the regiment of Light Artillery 3d May, 1808; appointed Lieutenant Colonel second regiment of artillery additional military force 6th July, 1812; promoted Colonel 12th March, 1813; promoted Brigadier General 9th March, 1814; and appointed Major General by brevet 25th July, 1814.

"It is the opinion of the Board that the letter of General Hampton touching the resignation of Captain Gaines, did not operate to exclude him from the Army; that he was, according to the rule governing rank as prescribed by the President under the law of 17th March, 1812, entitled to precedence and rank as *Lieutenant Colonel above Lieutenant Colonel Winfield Scott*; and that the promotion of Generals Gaines and Scott, to the grades of Colonels and Brigadier Generals, were simultaneous."

"*The Board is unanimously of opinion that E. P. Gaines is entitled to rank and precedence above Winfield Scott.*"

That Major General Gaines was entitled to rank and precedence above Major General Scott seems to be clear. Up to the date of these officers' commissions of Colonel, it seems that Edmund P. Gaines ranked Winfield Scott; and it further seems that their Colonels and Brigadier commissions were conferred on one and the same day. Edmund P. Gaines was consequently the senior Colonel, and the senior Brigadier; for, it is a well settled principle in the rules of rank which govern the service of this and other countries, that where an officer has previously ranked another in this manner, he shall be entitled to precedence above that other whose latest lineal commission is of the same date with his. And this principle is founded in equity; for any other rule founded upon another principle would be productive of much evil and no good.

Edmund Pendleton Gaines was brevetted a Major General, to take effect from the 15th August, 1814, and Winfield Scott from the 25th July, of the same year; both for services on the field of battle against an enemy of the United States. Winfield Scott, in July, 1814, was promoted from the lineal rank of Brigadier General to that of Major General, whereby he became shorn of his commission as Brigadier, and, consequently, that of Brevet Major General; for, the moment that the lineal commission upon which a brevet commission is based, is taken away, that moment the brevet commission is taken away. This is also a well settled principle of rank, and likewise founded in equity.

Edmund P. Gaines is still a Brigadier General in the line, and still a Major General by brevet.

Brevet commissions, it appears by section 4 of the act of Congress approved July 6, 1812, were authorized to be conferred by the President of the United States "on such officers of the army as shall distinguish themselves by gallant actions or meritorious conduct." Under this law Edmund Pendleton Gaines received the highest brevet known to the army, for his "gallant actions" at the head of *a division of American force* (less than half as large as that of his adversary and a remnant of a gallant army driven to the extremity of the enemy's country,) aided by few natural advantages, and but a small artificial one, called "Fort Erie," barely large enough for one company—in defeating *a division of the enemy* of 4,200 with signal success in a series of conflicts during the days and nights of nearly a month; on one of which, the 15th August, and date of his brevet, that enemy mourned over an acknowledged loss of more than 900, while that of the Americans was less than 90.

It would seem that, as brevet commissions are grades earned upon the field of battle, they are entitled to the utmost respect, and their possessors to all the rights which result from them. What are the rights which flow to Edmund P. Gaines from his brevet commission of Major General? All the rights which appertain to a Major General's command; which, according to section 8 of the act of Congress, are 24 sections of which are in force) is *a division*.

There is no law of the United States which limits the power of a brevet commission, and when the officer possessed of it, holds a command according to it, he holds a command which belongs to a lineal rank of the same grade. And accordingly, if there be a Brevet Major General, dating from 1814, and another with a commission former, when on duty according to his brevet rank, is the senior officer in obedience.

Brevet commission, and when the officer possesses all the immunities and privileges which appertain to two officers, one with a commission of Major General in the line taking effect from 1841, the other with a commission of Major General, and entitled to



Generals Gaines and Scott. General Gaines was made a Major General by brevet in that year, but was Gaines' junior, because his brevet was based on junior. General Gaines still holds his lineal and his commissions of Brigadier and Brevet, when he was made a Major General his brevet commission takes effect when he has a command according to General Scott then becomes his junior officer.

General Scott should endeavor to abolish the two great geographical divisions of the command of General Gaines necessarily, and a command according to his division into nine Military Departments, in neither of which was there more than one General Gaines to command one of them? Is it, I say, to be wondered at that General Gaines of the right to command him, and clothe himself with the power in the case, let it be borne in mind, *the moment General Gaines is not on duty* his lineal rank of Major General takes effect over General Gaines' lineal

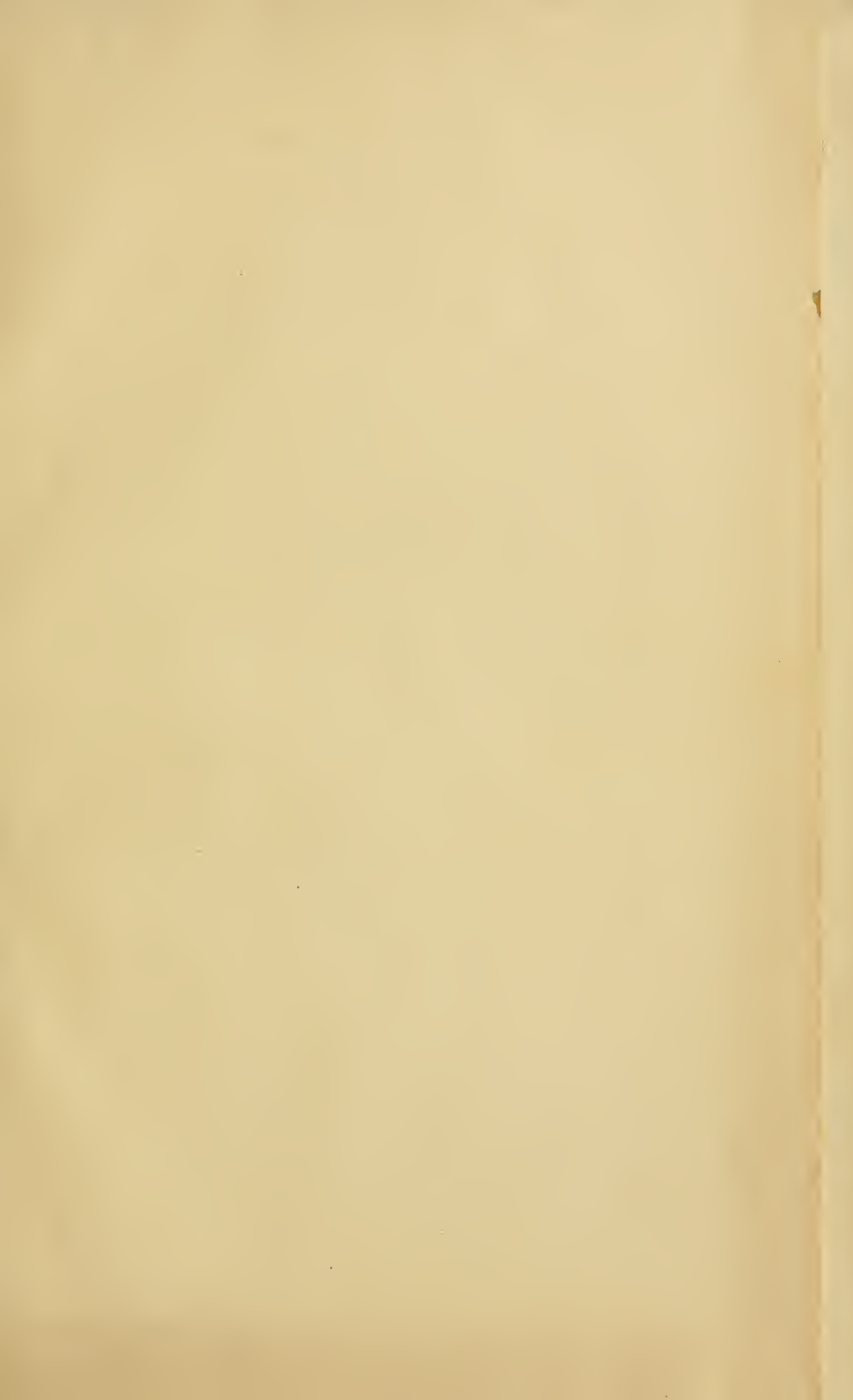
General Scott do this? And, did General Gaines obey any order of General Scott's brevet command?

That this was obeyed by General Gaines, but *the joint order of the President, Secretary of War, J. C. Spencer, and General Scott was obeyed. Why? He obeyed "the orders of the President of the United States" whose orders overrode the orders of General Scott, that disobedience of General Scott's orders be considered disobedience of the President.* [See the joint order of Secretary Spencer and Major General Gaines abolishing the two "divisions" of the army of the United States, and substituting

Major Generals to command the other under certain circumstances is established by it being acknowledged that Major General Gaines is entitled to a command of a Major General (a division) for having signally defeated a division of the enemy—the question arises, how can the rights of both Major Generals Gaines be rewarded consistently with the interests of the country and service?

The army is divided into two *Geographical Divisions*—the "Division of the North" and the "Division of the South" commanded by Major General Jackson, and Major General Brown's division, and General Gaines the Eastern part of Jackson's. They are entirely independent of each other in their commands, as Major General Gaines sends their reports to no Major General at Washington city, but made them direct to the Department of War; from whom, and whom alone, were their orders

issued in Eastern and Western Division, and let Major General Gaines be ordered to report to General Scott to that of the other; let their commands be entirely separate, let the reports of each be transmitted to the constitutional Commander-in-Chief, the Department of War; let their orders be received from the President, with the Secretary of War as that he becomes irresponsible, and can use them with impunity:—let these be done, and General Gaines will have a command to which he is clearly entitled, and of which he cannot be deprived without having all he can justly claim, and more, indeed, if founded upon his war record, though he never won his laurels as commander of a division, he having been the subject of each of the theatres of his distinction—the danger of conflict, or rather the danger of the Generals will be obviated—an organization preparatory for war will be a measure from the intrigues of politics, by one of its Major Generals ordered from Washington—responsibility will be established at a point where it is impossible to assume power, issue lawless *joint orders*, and shelter himself behind them—all of these will be accomplished, and the interests of the service and the country protected, and their services duly regarded.



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This is precisely the case of Major Generals Gaines and Scott. General Gaines was made a Major General by brevet in 1814. General Scott was also made a Major General by brevet in that year, but was Gaines' junior, because his rank in the line upon which his brevet was based was junior. General Gaines still holds his lineal and brevet commissions. General Scott lost his commissions of Brigadier and Brevet, when he was made a Major General in the line in 1841. General Gaines' brevet commission takes effect when he has a command according to his brevet rank of Major General. General Scott then becomes his junior officer.

Is it to be wondered, then, that General Scott should endeavor to abolish the two great geographical divisions of the Army, (one of which was under the command of General Gaines *necessarily*, and a command according to his brevet rank of Major General,) and establish nine Military Departments, in neither of which was there more than a Brigadier General's command, ordering General Gaines to command one of them? Is it, I say, to be wondered that General Scott should deprive General Gaines of the right to command him, and clothe himself with the power to command General Gaines? For this is the case, let it be borne in mind, *the moment General Gaines is not on duty upon his brevet*, when General Scott's lineal rank of Major General takes effect over General Gaines' lineal rank of Brigadier.

It may be asked, how could General Scott do this? And, did General Gaines obey any order of General Scott's depriving him (General Gaines) of his brevet command?

No order of General Scott's alone creating this was obeyed by General Gaines, but *the joint order of the President of the United States*, (through the Secretary of War, J. C. Spencer,) and *General Scott was obeyed*. Why? Because General Gaines was sworn to obey "*the orders of the President of the United States*" whose orders were so mixed and intermixed with the orders of General Scott, that disobedience of General Scott's orders became the disobedience of the orders of the President. [See the joint order of Secretary Spencer and Major General Scott, of date 12th July, 1842, abolishing the two "divisions" of the army of the United States, and substituting the present nine Military Departments.]

Now that the right of each of these Major Generals to command the other under certain circumstances is established, incontrovertibly, it is believed, and it being acknowledged that Major General Gaines is entitled to a command according to his brevet rank of Major General (a division) for having signally defeated a division of the enemy with a division of American force—the question arises, how can the rights of both Major Generals Gaines and Scott be respected, and their services rewarded consistently with the interests of the country and service?

After the late war the United States was divided into two *Geographical Divisions*—the "Division of the North" commanded by Major General Brown, and the "Division of the South" commanded by Major General Jackson. General Scott commanded the Eastern part of Brown's division, and General Gaines the Eastern part of Jackson's. Major Generals Brown and Jackson were entirely independent of each other in their commands, as Major Generals of divisions in the war were, and made their reports to no Major General at Washington city, but made them to the President of the United States and the Department of War; from whom, and whom alone, were their orders received.

Let the United States be divided into an Eastern and Western Division, and let Major General Gaines be ordered to the command of one, and Major General Scott to that of the other; let their commands be entirely separate and independent of each other, and let the reports of each be transmitted to the constitutional Commander-in-chief of the Army and Navy, through the Department of War; let their orders be received from the President, not from a Major General so linked in with the Secretary of War as that he becomes irresponsible, and can use his position to annoy his brother officers with impunity:—let these be done, and General Gaines will have a command corresponding with his proper rank to which he is clearly entitled, and of which he cannot be deprived without a violation of law—General Scott will have all he can justly claim, and more, indeed, if founded upon his war-services, for he will have a division, although he never won his laurels as commander of a division, he having been a subordinate to Major General Brown at each of the theatres of his distinction—the danger of conflict, or rather of alternation of rank between these two Generals will be obviated—an organization preparatory for war will be obtained—the Army will be preserved in a measure from the intrigues of politics, by one of its Major Generals of known political propensities being removed from Washington—responsibility will be established at a point where it is most needed, and no officer will be able to assume power, issue lawless joint orders, and shelter himself beneath the wings of the Department of War—all of these will be accomplished, and the interests of the service and country answered, the rights of officers respected, and their services duly regarded.















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